

## DAN HILL

MAY 20, 1958.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary submitted the following

## REPORT

[To accompany H. R. 7660]

The Committee on the Judiciary, to whom was referred the bill (H. R. 7660) for the relief of Dan Hill, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to relieve Dan Hill of all liability to refund the amount of \$2,209.50 to the United States. Such sum represents the overpayment of naval allowance for the period June 11, 1945, to April 30, 1955, as a result of an erroneous computation of the amount of naval allowance paid him by the Veterans' Administration.

The Department of the Navy in its report dated April 8, 1958, gives in detail the history of the proposed legislation and recommends the enactment of the bill. Therefore, your committee concurs in that recommendation. The report is as follows:

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
OFFICE OF LEGISLATIVE LIAISON,  
Washington, D. C., April 8, 1958.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives,*  
*Washington, D. C.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of February 10, 1958, requesting a report on H. R. 7660, a bill for the relief of Dan Hill.

This bill states that Dan Hill of Denver, Colo., shall be relieved of all liability to refund the amount of \$2,209.50 to the United States, such sum representing the overpayment of naval allowance for the

period June 11, 1945, to April 30, 1955, as a result of an erroneous computation of the amount of naval allowance paid him by the Veterans' Administration.

Mr. Hill, a 100 percent disabled Navy veteran, was receiving, along with his Veterans' Administration pension, a naval allowance to which he was entitled under section 4757, Revised Statutes (38 U. S. C. 230), since repealed. Due to an administrative error on the part of either the Department of the Navy or the Veterans' Administration, the amount of naval allowance paid to Mr. Hill was in excess of that to which he was entitled. Upon discovery of this fact, the Veterans' Administration attempted to take action to liquidate the overpayment. It appears, however, that there is no legal authority existing under which the Veterans' Administration, on its own initiative, could withhold current payments of naval allowance to set off against the outstanding overpayment. Additionally, there is no authority existing for the waiving of the overpayment by either the Department of the Navy or the Veterans' Administration. Neither can the Veterans' Administration take any action to recoup the overpayment at the instance of the Department of the Navy because, among other reasons, the Department of the Navy has no authority for any such action.

Since the overpayment to Mr. Hill was the direct result of an administrative error and not, as such, a matter under his control and since Mr. Hill is a 100 percent disabled veteran, the Department of the Navy recommends that enactment of H. R. 7660 not be opposed.

The Department of the Navy has been advised by the Bureau of the Budget that there is no objection to the submission of this report on H. R. 7660 to the Congress.

For the Secretary of the Navy.

Sincerely yours,

E. C. STEPHAN,  
*Rear Admiral, United States Navy,*  
*Chief of Legislative Liaison.*

